

Exhibit 7

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN LENNARTSON, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

PAPA MURPHY'S HOLDINGS, INC.; and
PAPA MURPHY'S INTERNATIONAL
L.L.C.,

Defendants.

No. 3:15-cv-05307-RBL

**DECLARATION OF ANDREW
BRAWLEY IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, FOR STAY**

I, Andrew Brawley, hereby declare as follows:

1. I am the Email & Mobile Marketing Manager at Papa Murphy's International, L.L.C. ("Papa Murphy's"). I have held this position since joining Papa Murphy's in April of 2013. My job responsibilities include overseeing the Papa Murphy's mobile marketing efforts, including its text message program. I have personal knowledge of the matters set forth below, and can competently testify thereto.

2. Papa Murphy's started its text messaging program in April of 2011 as a way to offer discounts to its customers and drive business. The text messages sent pursuant to this

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1 program offered customers discounts they could redeem at Papa Murphy's stores. Since
2 starting its texting program, Papa Murphy's has built its list of people solely through voluntary
3 opt-ins—it has never purchased lists from third-parties or contacted numbers at random.

4 3. For the duration of Papa Murphy's texting program, customers have been able to
5 opt-in to receive text messages in two ways: First, by going to Papa Murphy's website and
6 signing up to receive text messages, and second, by sending text messages to specified numbers
7 that appear in Papa Murphy's advertisements. Papa Murphy's has never placed people into its
8 texting pool because they provided their telephone numbers as part of purchasing goods.

9 4. Since Papa Murphy's started its text message program, it has always provided
10 people the option of opting-out of receiving text messages by replying "stop" to any of the text
11 messages they receive and has stated that such an option is available in each text message it
12 sends out.

13 5. During March of 2012, a person wishing to sign up to receive text messages
14 through Papa Murphy's website, would have had to take the following steps: A person first
15 had to navigate to Papa Murphy's home page (www.papamurphys.com). During March of
16 2012, six "buttons" appeared on the left side of the Papa Murphy's homepage, which read in
17 descending order: "Our Menu," "What Is Take 'N' Bake?," "Coupons & eClub," "Franchise
18 Opportunities," "Careers," and "Gift Cards." To navigate to the text message sign up form,
19 individuals had to click on the "Coupons & eClub" button. Once they clicked on this button,
20 the "Coupons & eClub" page appeared as displayed in the image below.

Papa Murphy's PIZZA
Join the TAKE 'N' BAKE Revolution™

Is this your closest store?

 911 West 7th Street
 Frederick, MD 21701
 (240) 575-9200 [view map](#)

[Our Menu](#)
[What Is Take 'N' Bake?](#)
[Coupons & eClub](#)
[Franchise Opportunities](#)
[Careers](#)
[Gift Cards](#)

Coupons
 Enter your zip code below for exclusive Papa Murphy's coupons in your area.
 Zip/Postal Code
[Get Coupons](#)

eClub
[Privacy Policy](#)
 Why go looking for a deal when you can have one sent right to your inbox? Papa Murphy's eClub members enjoy great deals all year long.

Name First Name Last Name
Email Email
Zip/Postal Code Zip
Birthday MM DD
☐ I'm over 18

To join Papa Murphy's Text Club for coupons & special offers, please enter your mobile number below. You will receive **4 text messages per month**. To unsubscribe from our text club at anytime text **STOP** to 74499 or 95323. For questions or help with the text club, text **HELP** to 74499 or 95323, call 800-257-7272 or email us at questservices@papamurphys.com

Mobile* Optional

*** Message and data rates may apply. [Terms and conditions](#)**
 Papa Murphy's Mobile works with but is not limited to the following carriers: AT&T, Sprint, Boost, Nextel, Verizon Wireless, Virgin Mobile, Alltel, U.S. Cellular, Cellula One, and T-Mobile.

[Join eClub](#)

If you have any issues with the eClub form, please click [Contact Us](#) and send us your Name, Email, Zip Code, and Birthday (must be 18 years or older).

[eClub FAQ](#)

[About Us](#) [FAQ](#) [Press Room](#) [Contact Us](#) [Terms & Conditions](#) [Privacy Policy](#) Copyright - 2015 Papa Murphy's International, LLC

6. As displayed in the image above, on the "Coupons & eClub" page, the following text appeared in the center of the page: "To join Papa Murphy's Text Club for coupons & special offers, please enter your mobile number below. You will receive **4 text messages per month**. To unsubscribe from our text club at anytime text **STOP** to 74499 or 95323. For questions or help with the text club, text **HELP** to 74499 or 95323, call 800-257-7272 or email

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1 us at guestservices@papamurphys.com.” Above this text, were boxes in which individuals
2 could enter their first name, last name, email address, postal code, birth day, and birth month.
3 Below the quoted text, was a box in which individuals could enter their telephone number and a
4 button entitled “Join eClub” that, when clicked, caused the information entered into the boxes
5 to be sent to Papa Murphy’s third-party texting vendor.

6 7. Records I reviewed which were kept in the ordinary course of business indicate
7 that on March 2, 2012, an individual submitted a request to receive text messages through Papa
8 Murphy’s website, and that through this request, the person submitted the following
9 information: Phone number: “6126186664”; Last name: “Lennartson”; Zip code: “55406.”

10 8. In order for the above-quoted information to have been received, the individual
11 submitting this information would have had to go to Papa Murphy’s website, follow the
12 procedures described in ¶¶ 4-5, above, enter the information listed in ¶ 7, above, and click the
13 “Submit” button on the webpage.

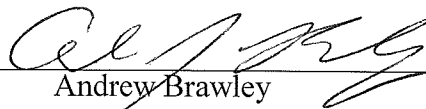
14 9. Upon receipt of the above-quoted information, the following text message was
15 transmitted on March 2, 2012 to the telephone number 612-618-6664: “You are now opted
16 into: PMI Global Phone List alerts, reply STOP 2end Msg&Data Rates may apply.”

17 10. In order for the above-quoted information to have been received, the individual
18 submitting this information would have had to go to Papa Murphy’s website, follow the
19 procedures described in ¶¶ 4-5, above, enter the information listed in ¶ 7, above, and click the
20 “Submit” button on the webpage.

21 11. This lawsuit was the first notice that the owner of telephone number 612-618-
22 6664 did not wish to continue receiving offer messages, and, as such, Papa Murphy’s elected to
23 remove the telephone number 612-618-6664 from its offer message marketing lists after
24 receiving the Complaint in this case. Further, Papa Murphy’s ceased sending text messages to
25 individuals who had opted-in to receive text messages prior to October 16, 2013 on June 15,
26 2015.

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2 I declare under penalty of perjury under the laws of the United States that the foregoing
3 is true and correct.

4 Executed at Vancouver, Washington on September 24, 2015.

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7 Andrew Brawley
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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Stellman Keehnel

Stellman Keehnel, WSBA No. 9309

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